

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:22-CV-331-FL

JONATHAN BERALL, M.D., M.P.H.,)

Plaintiff,)

v.)

TELEFLEX MEDICAL INCORPORATED,)

Defendant.)


ORDER

This matter is before the court the parties' joint report (DE 560) filed in response to the court's September 13, 2024, order, and plaintiff's motion for entry of final judgment and stay of briefing on attorney's fees motion (DE 562). The motion was briefed fully and in this posture the issues raised are ripe for ruling.

Upon consideration of issues raised, plaintiff's motion is GRANTED IN PART and DENIED IN PART as follows. That part of the motion seeking entry of final judgment is GRANTED. The clerk is DIRECTED to enter final judgment based upon the court's rulings in its September 13, 2024, order (DE 559). That part of the motion seeking a stay of briefing on attorney's fees is DENIED. The circumstances of this case do not warrant a stay of briefing on attorney's fees. See Langham-Hill Petroleum Inc. v. S. Fuels Co., 813 F.2d 1327, 1331 (4th Cir. 1987); Wright v. Jackson, 522 F.2d 955, 957–58 (4th Cir. 1975); see also Fed. R. Civ. P. 54 and 1993 Advisory Committee Notes (noting prompt fee ruling may permit "appellate review of a dispute over fees to proceed at the same time as review on the merits of the case"). The court therefore sets the following briefing schedule regarding the issue of attorney's fees:

1. Defendant's opening brief shall be filed within 14 days from entry of this order.
2. Plaintiff's opposition brief shall be filed within 14 days after the opening brief is filed.
3. Defendant's reply brief, if any, shall be filed within seven days after the opposition brief is filed.

SO ORDERED, this the 12th day of December, 2024.


LOUISE W. FLANAGAN
United States District Judge